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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**NOTICE OF MOTION NO. 77 OF 2011
IN
LUNACY PETITION NO. 05 OF 1995**

Mrs. Vasanti V. Ghag ...Applicant (Orig. Ptnr.)
Vs.
Dy. Director & Head Officer & Ors. ...Respondents

Ms. A.S. Prabhu i/b. S.C. Prabhu for the Applicant
Mr. D.A. Athavale a/w. Mr. N.R. Prajapati for the Respondents

**CORAM : SMT. ROSHAN DALVI, J.
DATED : 29TH JUNE, 2011**

P.C. :

1. The Applicant/Petitioner has applied for clarification or modification of the order of this Court dated 17th September 1999 and to direct the Respondent to pay family pension as per Civil Central Services (Pension) Rules 1972 to the Applicant with all the dues and arrears of interest accrued thereon.

2. In Notice of Motion No. 2248 of 1999 taken out in the above Petition the proceedings in Lunacy of the Respondent were directed to cease. The Applicant was receiving pension called invalid pension upon the lunacy of her husband, the Respondent. The Respondent was cured and hence that pension ceased. The Respondent thereafter continued in service. The Respondent thereafter retired from service. He was paid pension under the Civil Central Services (Pension) Rules 1972 . Pension must continue to be given as per rules to the Applicant as his

wife. However only because of the order dated 17th September 1999 all the pensionary benefits have been ceased including family pension. Hence the Respondents have not been able to pay pension to the Applicant as the widow of the Respondent.

3. It is seen that under prayer (e) of the aforesaid Notice of Motion the Family Pension was restored to the Respondent. Hence it is clarified that the words “including family pension” shall stand deleted from the order dated 17th September 1999. The Respondent shall pay pension as per the Civil Central Services (Pension) Rules 1972 payable to widow, the Applicant with all arrears within 4 weeks from today.
4. Notice of Motion is disposed off according.

(SMT. ROSHAN DALVI, J.)